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June 14, 2011

**VIA E-MAIL AND LEXIS NEXIS**

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1818 Market Street, Suite 2500  
Philadelphia, PA 19103

Re: *In Re Pharmaceutical Industry Average Wholesale Price Litigation*  
*MDL No. 1456*

Dear Class Counsel:

By the close of business today, kindly provide us with a copy of the filing you made, under seal, yesterday just prior to the Track 2 Fairness Hearing. As you know, we filed of record the original documents you provided to us at noon in the Courthouse cafeteria, so we no longer have these documents. We had asked Jennifer Connolly in a letter last Friday to produce to us requisite copies of any documents you intended to produce, to avoid such situation, but you obviously decided to ignore that reasonable request. See attached letter dated June 10, 2011.

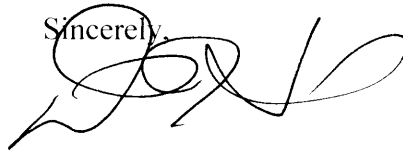
We also hereby request unredacted copies of the records you produced. Judge Bowler's Order compelling the production of such records did not allow redactions, and since you did not seek such leave of Court as part of your "Emergency Motion", you have no right to restrict any information contained in the records from our view, or the Court's view (to the extent you filed under seal redacted records). We have concerns about the redactions you made and require the originals to decide whether or not there is an issue for the Court.

HAVILAND HUGHES, LLC

THE BOURSE • SUITE 1000 • 111 S. INDEPENDENCE MALL EAST • PHILADELPHIA, PA 19106-2526 • P: 215-609-4661 • F: 215-392-4400

We have been ordered to file our Opposition to your Motion to Add Individual Plaintiffs by today, even though our 14-day deadline under the Rules is tomorrow. To allow us to make such filing, we would appreciate your timely response to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "DEH", with a large, stylized flourish extending from the end.

DONALD E. HAVILAND, JR.

DEH/cls

cc: All Counsel of Record (via Lexis Nexis File & Serve)



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June 10, 2011

**VIA E-MAIL AND LEXIS NEXIS**

Jennifer Fountain Connolly, Esq.  
**HAGENS BERMAN SOBOL SHAPIRO, LLP**  
1629 K St., NW  
Washington, D.C. 20006

Re: *In Re Pharmaceutical Industry Average Wholesale Price Litigation*  
*MDL No. 1456*

Dear Ms. Connolly:

In view of the attached Order of Magistrate Judge Bowler directing that “the billing and payment records” sought by us “be produced, in a format and manner to be agreed to by counsel, two hours prior to the commencement of the Fairness Hearing”, kindly advise of the following by the close of business today, to avoid any unnecessary disagreement about the nature and scope of the Order, or your compliance therewith, on Monday:

1. The **volume** of the billing and payment records in your possession (and/or in the possession of the proposed class representatives) for each of the following:
  - a. Muriel Tonacchio
  - b. Agnes Swayze
  - c. Thomas Trusky
  - d. Mariella Laday
2. The **format** in which these records exist (i.e., electronic, paper, originals, copies, redacted/unredacted, etc.) We request that copies of all such records be produced to us, organized by individual patient/proposed representative and in their complete form (i.e. no partial pages or excerpts of records, as have been attached to the Declarations). You will need to have copies available for the Court, should we choose to rely upon any of these records in our respective presentations at the hearing. We also request that all original documents be brought to the Fairness Hearing in the event any issues arise about best evidence, authentication, foundation or other evidentiary issue.
3. We will be available to receive the records by 12:00 noon on Monday, June 13, 2011, in the cafeteria of the Moakley Federal Courthouse. Please **advise as to the person** who will be delivering the records to us at such time so that we can coordinate the transfer.

HAVILAND HUGHES, LLC

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06/10/2011

If you are able to provide a written response to this letter, addressing these issues fully, by close of business today, it will obviate the need for any conference to resolve these issues. However, if you take issue with any of the above, or you believe that a conference is necessary, kindly advise as to when you are available to conduct such conference today so that we can coordinate the timing of the same.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read "D. Haviland, Jr.", written in a cursive style.

DONALD E. HAVILAND, JR.

DEH/tld

cc: All Counsel of Record (via Lexis Nexis File & Serve)

This is an electronic filing of a document in Case No. 1:01-cv-12257-PBS. Please DO NOT  
RESPOND to this filing by e-mail or by any other means.

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**United States District Court**

**District of Massachusetts**

**Notice of Electronic Filing**

The following transaction was entered on 6/9/2011 at 6:21 PM EDT and filed on 6/9/2011

**Case Name:** Citizens for Consume, et al v. Abbott Laboratories,, et al

**Case Number:** 1:01-cv-12257-PBS

**Filer:**

**Document Number:** No document attached

**Docket Text:**

Magistrate Judge Marianne B. Bowler: After an emergency hearing conducted by telephonic conference this court enters an ELECTRONIC ORDER granting in part and denying in part [7590] Motion to Quash. The motion is allowed to the extent that the notices to attend the June 13, 2011 Fairness Hearing and deposition notices of the class representatives for the June 10, 2011 depositions are quashed. The portion of the motion seeking sanctions is denied. In addition, it is ORDERED that to the extent possible, due to the late hour, the billing and payment records sought by Mr. Haviland be produced, in a format and manner to be agreed to by counsel, two hours prior to the commencement of the Fairness Hearing. (Bowler, Marianne)

**Karen Szajdecki**

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**From:** Jennifer Connolly [jenniferc@hbsslaw.com]  
**Sent:** Tuesday, June 14, 2011 5:55 PM  
**To:** Karen Szajdecki; Steve Berman; Sean Matt; Thomas Sobol; Edward Notargiacomo; Jeff Kodroff; John Macoretta; Marc Edelson; Carrie Flexer  
**Cc:** 'Donald E. Haviland, Jr. Esq'  
**Subject:** RE: In re AWP  
**Attachments:** AWP Halivand Letter with attachments 6-13-2011.pdf

Don:

Attached is the letter and documents we, pursuant to Judge Bowler's order, served on you personally in the courthouse cafeteria two hours before the final approval hearing.

Please provide us with the basis for your request, in connection with your Track 2 objection (which is the only matter before the Court), that we provide you with information regarding non-Track 2 drugs. While we have legitimate concerns about the continuing burdens your requests place on sick and elderly class members, we will consider your request if you can provide us with an appropriate justification.

Jennifer

Jennifer Fountain Connolly | **Hagens Berman Sobol Shapiro LLP** | (202) 355-6435

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**From:** Karen Szajdecki [<mailto:Szajdecki@HavilandHughes.com>]  
**Sent:** Tuesday, June 14, 2011 2:27 PM  
**To:** Steve Berman; Sean Matt; Thomas Sobol; Edward Notargiacomo; Jennifer Connolly; Jeff Kodroff; John Macoretta; Marc Edelson  
**Cc:** 'Donald E. Haviland, Jr. Esq'  
**Subject:** In re AWP

Attached please find correspondence from Donald E. Haviland, Jr.

Thank you,

Karen Szajdecki  
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Haviland Hughes, L.L.C.  
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